

THE  
ALARM;  
OR,  
The IRISH SPY.  
IN A  
SERIES OF LETTERS  
ON THE  
Present State of Affairs in IRELAND,  
TO A  
LORD HIGH IN THE OPPOSITION.

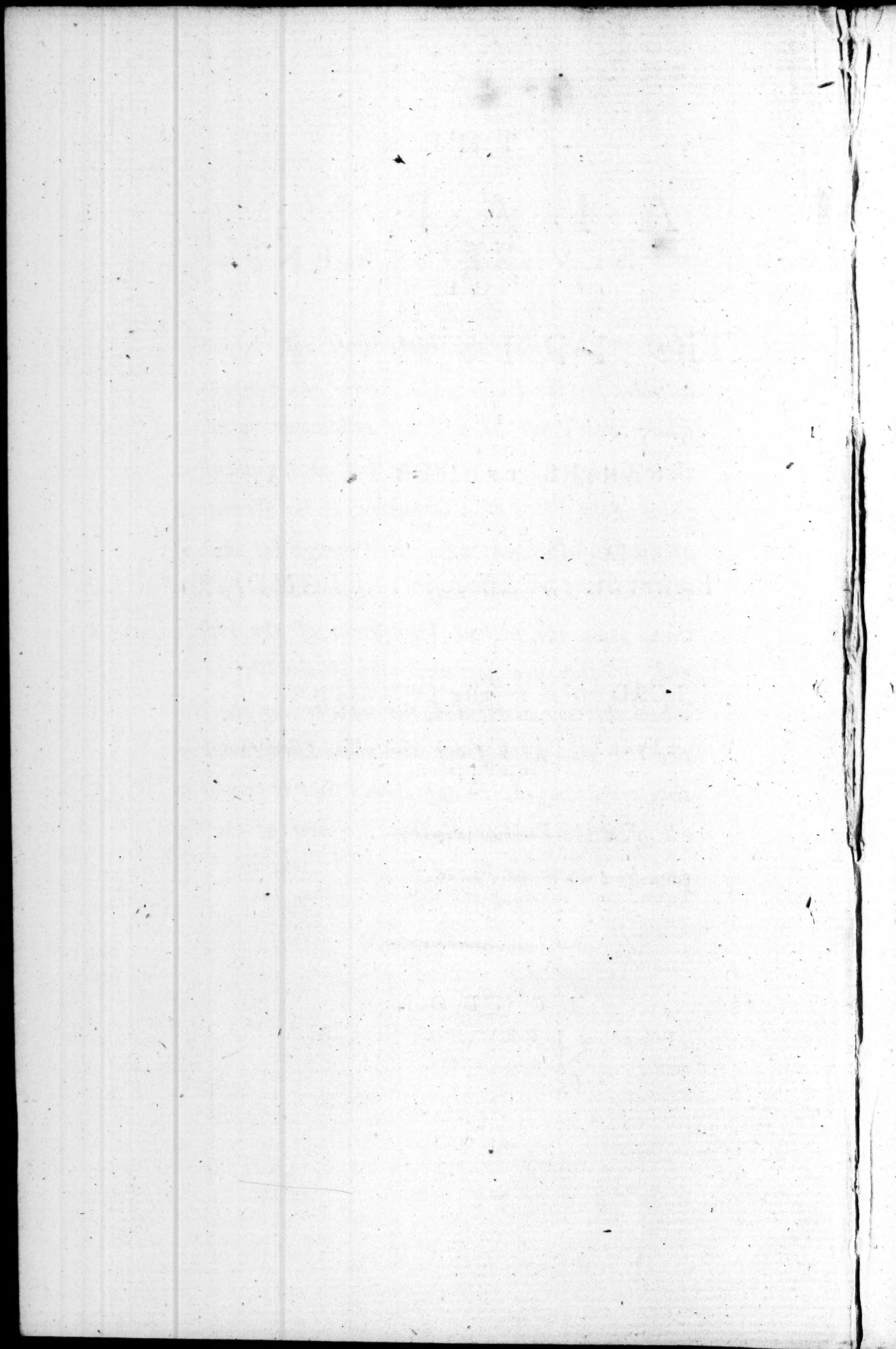
Written by an Ex-JESUIT, employed by his Lordship for  
that Purpose.

---

Respue quod non es; tollat sua munera cerdo;  
Tecum habita; et noris quam sit tibi curta supellex.  
PERSIUS.

---

L O N D O N:  
Printed for J. BEW, Pater-Noster-Row.  
MDCCCLXXIX.





## ADVERTISEMENT.

*THAT* the following Sheets were not originally intended for the Public, the Editor can venture to assure them; but he will not endeavour to excite their Curiosity, by attributing his having acquired them to the Theft of a Capuchin, or the Gratitude of an English Courtezan. It is enough for him, if they point out what may be apprehended by Britain, from the present Disposition of the Irish; and, if they are not unworthy of the Writer to whom they are attributed, nor undeserving the Notice they met with from the noble Lord to whom they are addressed, he apprehends that it cannot at all affect the Public, whether he came at the Copies by Favour or Fraud.

# ADVERTISING

It is a pleasure to have your advertisement in this paper. The paper is published weekly and is read by a large number of people. It is a good place to advertise your business. The cost of advertising is very low. You can reach a large number of people for a very small amount of money. This is a great advantage. If you are interested in advertising, please contact us. We will be glad to help you. We will give you a list of the rates and the terms of advertising. We will also give you a list of the names of the people who are interested in advertising. This will help you to find the right people to advertise to. We will be glad to help you in any way that we can. We will be glad to answer your questions. We will be glad to give you a list of the names of the people who are interested in advertising. We will be glad to help you in any way that we can. We will be glad to answer your questions. We will be glad to give you a list of the names of the people who are interested in advertising.

THE  
A L A R M, &c.

LETTER I.

*Dublin, May 14, 1779.*

MY LORD,

**Y**OUR Lordship's choice of me from a body who have been equally distinguished for their political information, and the extension of literary knowledge, demands the utmost exertion in your service of whatever abilities nature or study may have given me. I should, I own, be distrustful of these abilities



abilities, did not your Lordship's choice confer a sanction upon them, and almost excuse the vanity of my supposing myself worthy of that flattering distinction. Yet, my Lord, I must claim an indulgence for those inaccuracies which long absence may give my phraseology, or a residence in other kingdoms involve my ideas of Government in; though I hope that industry may be preventive of any material errors in either. It is now my duty to endeavour to describe accurately to your Lordship the genius and disposition of the Irish at present. This I shall endeavour, though diffident of my own judgment; particularly when I reflect, that your Lordship, by being a member of the Irish Legislature, has a right to challenge a better acquaintance with the interests of this kingdom than I can possibly have acquired; and, when I consider that your Lordship is surrounded by men of the most eminent abilities in every species of literature, I grow more fearful of hazarding opinions to a  
mind

mind, perhaps, pre-occupied with more just ideas of the subjects I am to discuss; but, as your Lordship has made it my duty, and as I know you to be above prejudices, I will, in obedience to your directions, send you, from time to time, such an account of whatever may appear to deserve your attention, as I can procure, either by enquiries among my *brethren* dispersed through the kingdom, or by personal observation in that tour which you have wished me to make. But in this, as I know your Lordship desires rather the features of men, than the pictures of countries, I shall not give any attention to description, except where the view of the spot may tend to elucidate the manners of the people; and shall rarely risque an opinion where I am not supported by popular, if not superior, arguments.

With gratitude for the distinction conferred on me, and for the favours I have experienced, I have the honour to be, &c.

B

LET.



## L E T T E R II.

*Dublin, May, 1779.*

MY LORD,

ON my arrival at Dublin, in pursuance of your directions, I founded the people of my acquaintance in general, with regard to the popular alarm on your side of the water, of an *insurrection* here. In order to effectuate this thoroughly, I made or renewed as many acquaintances as possible. Curiosity, with all nations not much used to trade, is a leading feature. A foreigner, then, or a native who has spent any considerable time abroad, is here an object greatly exciting that passion. Guided by this clue, I have got admittance into many sets of people, very different as to principles, yet all united in the idea of ridiculing that supposition, as illusory and imaginary. "An insurrection," say they, "can be only formidable from its leaders, and we have no man sufficiently distinguished



“ distinguished by fortune, power, or abilities,  
 “ to direct a popular commotion.  
 “ Phrenzies of the common herd are not  
 “ to be dreaded. Like raging tempests,  
 “ too violent to be lasting, they terrify for  
 “ a moment, but want a uniformity of measures  
 “ to make the terror permanent.”

Upon an inquiry into the causes which  
 have left Ireland thus destitute of leaders,  
 I find, that the want of those objects of interest  
 or ambition, which have in all governments,  
 and at all times, called forth great abilities  
 in the pursuit of them, is the grand preventive  
 of every spirited exertion, whether popular  
 or factious. Your Lordship's example is too  
 illustrious for me not to lay hold of, as a confirmation  
 of what I advance. Abilities like yours might  
 stimulate the people to make some endeavour  
 worthy of such a leader; but, while your Lordship  
 has such a counterpoising interest in England,  
 this circumstance may be talked of, but cannot  
 be expected. The few men resident here, who

even nominally are men of property, have their estates so incumbered with debts, and so covered with *Custodiams* \*, a species of legal cruelty happily unknown on your side of the water, that, while (*"for any change must better their condition,"*) their necessity

\* *Custodiam* is the practice chiefly complied with in Ireland after judgment. The plaintiff, instead of obtaining the possession of a moiety of the defendant's estate by *Elegit*, proceeds to an *Outlawry*, in consequence of which the lands of the defendant become vested in the Crown, which, on application in the revenue side of the Exchequer, grants them in *custodiam* to the plaintiff, who is now called the Custodee, and is to remain in possession until the demand which he has against the defendant is satisfied; and all other creditors are precluded from resorting to the lands, however greater their demands, or however prior in time: so that you may frequently see the creditors of a large estate, like so many jockeys, whipping and spurring for the post at the end of a heat, endeavouring who shall first lodge their *Outlawry* with the sheriff. For, as the custodee has only the power of attaching the under-tenant, and the landlord cannot distrain, fearful of incurring the consequences of a contempt of the Courts, the tenants avoid paying the landlord or custodee, and the debt remains an incumbrance on the estate, equally distressing to the debtor and creditors; for they have no remedy against the custodee, but by a bill to compel him to compute, to which a *clean-handed* attorney will contrive such an answer, or, upon any motion, prepare such affidavits, as shall induce inconceivable delays. An estate of nearly 6000*l.* per ann. has been known to be held under a *Custodiam* for more than three years, for the payment of only 400*l.* to the preclusion of creditors for larger sums; yet no want of legal diligence!

fits



fits them for every scheme of despair, their total poverty incapacitates them from the execution of even the most laudable designs. On your side of the water, on the contrary, the objects of ambition are many; those of interest yet more: it is not, therefore, to be wondered that Irish abilities are more frequently exerted with you, where the distribution of the *loaves* and the *fishes* remains, than in a contention at home for (as SWIFT calls it) their "*brogues and their butter-milk.*" Even the merit, which will obtain a pension on their own establishment, must be that of contriving heavier burthens for the nation; to gain which pittance, the necessity I have already mentioned fully fits those who are able to procure seats in the senate, which are only held desirable, as being the way to places or preferment; for Government here has constantly acted conformably to a maxim of Tacitus: "*Cæteri nobilium, quanto quis servitio promptior, officio & honoribus extollerentur \**." Thus, while

\* Annal. Lib. I.



only senators can be consequential enough to take a lead in popular disturbances, they rather chuse to be the instruments of those needy statesmen who are sent over to rule them, than to take those steps which, while they may emancipate their posterity, alarm themselves with the apprehensions of present poverty. But, exclusive of this, a very large body of the people are so closely attached to the present Administration, that, unless greater advantages than any change of it can afford, even though the event, so much desired by all good men, of your Lordship's becoming our state pilot, were to be the consequence,) that a regular opposition, formidable to any insurrection, however powerful, must be expected; an opposition to which every internal resource of the insurgents must prove inadequate, even if England sat a silent spectator of the confusion, and left Ireland to act as arbitrator of its own disturbances. Your Lordship  
will

will readily advert to the Roman Catholics. You will remember, too, when I talk of that body of people, that I speak as a politician, not as a religionist. *David Hume*, whom your Lordship must allow to have had no bias of that kind, talks of them as a people "loyal from principle, attached to "regal power from religious education, uniformly opposing popular phrensy, and "zealous vindicators of royal prerogative." To these religious characteristics may be added, their obligations and gratitude to ministerial indulgence. Bound for a series of years by the fetters of persecution, and considering their interests as separate, if not opposite to the state, the present Minister has been hardy enough to break the principal links of their old chain, and fetter them anew to himself. That this supposition is not too bold, will be evident, I doubt not, to your Lordship, if you will reflect, that, for many years backward, the Roman Catholics



Catholics in that country in vain requested any, however small, alleviation of the burdens imposed upon them by those severe acts of parliament which the necessity of former times had framed for the prevention of the growth of Popery. Until the last sessions here, the idea of diminishing or relaxing those laws was universally reprobated by every order in Parliament ; but, when at that time it received ministerial sanction and support, it was the fortune of that question, which might long since have been as liberally disposed of, to attach that body of the people to the English Minister, not to the Irish Parliament.

A body, thus formidable, (being, by parliamentary computation, as seven to one ; but which, on present inquiry, would appear to be much more,) must be too dangerous for any insurrection of men of dissenting or republican principles not to fear a competition with, especially if your Lordship recurs to what I have already advanced,---the  
total



total want of leaders to make any force, even if united, powerful. A very few years ago there remained one object, indeed, for ambition in Ireland, the dignity of *Lord Justice*. The neediness, or the cunning, of a late chief Governor\* has removed even that instrument of rivalry, and made that a reward to senatorial obedience in the House of Lords in England, which before served to excite the industrious or ambitious, among the Irish, to endeavour to attain it. Hence a man of considerable fortune, or eminent abilities, is rarely seen here, except to renew leases, or, perhaps, to take his seat in one of the Houses here, as a feather in the cap, less of use than ornament; or like a young actor, who rubs off his *mauvaise honte* in a country town, to fit him for a larger theatre.

I have, &c.

\* Lord Townshend.

C

LET.

## L E T T E R III.

*Belfast, June 18, 1779.*

MY LORD,

SINCE my last, I have continued my researches, and have found no reason to change the positions I therein advanced. In my progress northward, though I have found strong military associations, yet the best inquiry I could make, convinced me that, to whatever purpose they may be perverted, yet they were framed for that of national defence from foreign invasion. The idea of an union between Britain and this kingdom has been industriously disseminated here: but you, my Lord, must know there can be no foundation on which such an union can be so erected as to give it stability. The vast incumbrance of the national debt in Britain, daily too increasing, by the heavy expences of the present war, has so involved



volved in taxes every article of commerce, whether intended for domestic use or foreign consumption, that Ireland, if she were united to Britain, and unburdened with this national incumbrance, must undersel her in every foreign market : and, if restrained by any proportionate share, such a burden would so operate, through the poverty of the nation, as to become a total check to their trade, which is already pretty well deserted. The Roman Catholics, who for the most part carried it on, having now an opportunity of taking long leases, have converted their merchandize into cash, and secured themselves by interests as nearly real estates as almost is possible \*. Those, then, who are most credited by the public here, inculcate this doctrine on their minds, “ That, “ to accept of an union upon any terms,

\* Roman Catholics are enabled, in Ireland, to take leases for 99 years, and mortgages of real estates, for money lent by them; which before the late act they were incapable of. This has occasioned all money lent upon simple contract to be called in, unless secured by mortgage, and has been productive of the withdrawing much money from trade.



“ would be nugatory and ridiculous for  
 “ them to receive, and useless to Britain to  
 “ grant ;” and their wish is to have the  
 restraints removed rather by any other means  
 than one which, while it gives the specious  
 show of utility, really destroys the chance  
 of the advantages hereafter to be expected  
 by them. For, they argue, “ That empire  
 “ is now taking its progress westward, and  
 “ that Europe will dwindle into that infe-  
 “ rior situation, with regard to America,  
 “ that the *African* and *Asiatic* provinces  
 “ now bear to *her* ; that it is, therefore, at  
 “ this time, the interest of Irishmen to look  
 “ to the advantages of their posterity, and  
 “ endeavour to establish themselves inde-  
 “ pendent of England as a key of com-  
 “ merce between Europe and America :”  
 and they also assert, “ That, if they unite  
 “ themselves with the wreck of Britain, they  
 “ must sink with her under the daily ag-  
 “ gravated burthens of her national incum-  
 “ brances.”—These observations seem to  
 counter-

counteract those already made with regard  
 to insurrections; but your Lordship will re-  
 member that I principally reprobated com-  
 motions, from their being similar to those so  
 frequently suppressed, of the White Boys,  
 Hearts of Steel, Oak Boys, &c. destitute of  
 leaders to make their motions regular, or  
 their attempts formidable; not those where-  
 in the expectation of a great part of the  
 nation leads them to believe they will be  
 offered national independence by foreign  
 assistance. And, in this idea, whatever Ad-  
 dresses or Reports on the other side of the  
 water may say, all persuasions are united;  
 the Roman Catholics, from the similitude  
 of religious sentiments; the Protestants, from  
 the conduct of the French with regard to  
 America; and all sects and denominations,  
 from the decay of their trade, and the con-  
 tinuance of every check to it, which is de-  
 structive and enslaving: for, say they, " The  
 " reduction of a whole people to slavery,  
 " upon raising the arm to resist injuries, is  
 " not



“ not the doctrine of this day ; the powers  
 “ of Europe think themselves bound in  
 “ honour and interest to prevent it. In-  
 “ terest, to the disgrace of Monarchs, must  
 “ be acknowledged to be concerned ; and  
 “ it is well that even that is left as a coun-  
 “ terpoise to lawless force. Had *Corfica*  
 “ been capable of presenting that imme-  
 “ diate prospect of advantage which Ire-  
 “ land can afford to her defender, the *French*  
 “ would not be at this time in peaceable  
 “ possession of the whole island. In posses-  
 “ sion, however, they are ; which, as well  
 “ as the British dominions in *Canada*, shew  
 “ that a *people may change their Sovereign*,  
 “ and yet enjoy their properties, customs,  
 “ and laws.” — And this doctrine is not  
 new ; for the French have, for a series of  
 years past, affected to spread reports of their  
 maintaining the independence of Ireland,  
 and fixing it upon as firm a foundation as  
 that of America, if the Irish have virtue  
 enough



enough for the contest. On the other hand, it is argued against any endeavours for the independence of the Irish being successful, and against the supposition of the assistance of France being any way useful to that end, That the vicinity of England must totally prevent such efforts of either the Irish or French from being practicable ; for, while Ireland, from its total want of marine force, must be precluded from reaping any of its natural advantages itself, and while the British navy rides triumphant over the ocean, the ports of Ireland must remain shut up from every other nation. But it is contended, by the sticklers for independence, “ That their ports (except in one article of “ consumption, the *linen manufacture*, which “ has decreased excessively in its exports “ since the present impolitic war with “ America) cannot be more shut up than “ they are already : that the consumption “ of their cattle has been so barred by a “ prohibitory

“ prohibitory proclamation, as to almost  
 “ induce a national bankruptcy : and, more-  
 “ over, that, as France declares her intention  
 “ of supporting them in a free and inde-  
 “ pendent state, it would be madness in Ire-  
 “ land to refuse it ; especially when it is re-  
 “ membered, that, in the course of the last  
 “ war, while Britain, with the assistance of  
 “ Ireland and America, guided by a states-  
 “ man \* who seemed fortunate enough to  
 “ have hit the caprice of that nation, con-  
 “ tended against her, there was little of that  
 “ equality wanted between the two powers  
 “ which the separation of America from  
 “ Britain has given to France. And it must  
 “ be therefore evident, that the proposed  
 “ alienation of Ireland from England must  
 “ give such a superiority to the French  
 “ scale, as to enable them to maintain Irish  
 “ independence, and thereby thoroughly and  
 “ lastingly outweigh Britain in Europe, by  
 “ depriving her from ever turning to ad-

\* Lord Chatham.

“ vantage



“ vantage the natural resources of that coun-  
 “ try, which were well known to all Eu-  
 “ rope so early as the days of *Agricola*; for  
 “ it is described by Tacitus, “ Hibernia  
 “ medio inter Britanniam atque Hispaniam  
 “ sita, & Gallico quoque mari opportuna.”  
 “ Melius aditus portusque per commercia et  
 “ negotiatores cogniti” --And that, if the Irish  
 “ unite themselves, they may become able  
 “ to enjoy those benefits which, though given  
 “ to them by Nature, the envy of their  
 “ neighbours had denied them:--a most  
 “ culpable envy in Britain; for it manifested  
 “ a forgetfulness that all the advantages of  
 “ the trade of Ireland must ultimately re-  
 “ sult to England, as long as her dominion  
 “ over that country remained uncontro-  
 “ verted.” How far these latter argu-  
 ments may take effect, or whether France  
 will be equally successful in her detachment  
 of Ireland from Britain, as she has been in  
 that point with regard to the American  
 D provinces,



provinces, is a question yet to be decided. National *independence*, however, is a doctrine which has never been given up by the Irish, though frequently, but particularly lately, controverted by the English. The Presbyterians, too, which may be called the steady part of the nation, as they have at all times maintained their principles uniformly, have this character of *Independence* as the very contour of their religion. And, in the late act of parliament for relief of the subjects of Ireland professing the Roman Catholic religion, and *establishing* that religion by law, there was a particular neglect of that part of the nation: for they then requested a repeal of the sacramental test, which was first imposed upon them in a clause of one of these acts for preventing the growth of Popery which the legislature had just at that time thought fit to abrogate. But, as they had only the popularity and justice of the measure to recommend it, that

which

which was granted to the Roman Catholics at the nod of the Minister, was denied to their petitions, of which the consideration was postponed to a future day. You will not wonder, then, my Lord, if, thus discontented, they should be ready, on any opportunity, to imitate the exertions of their religious brethren on the other side of the Atlantic, especially when the success there marks out what may be expected here.

I am, &c.



## LETTER IV.

*Londonderry, June 29th, 1779.*

MY LORD,

MY progress northward has assisted me to form a more thorough opinion of the principles of the Presbyterians in this kingdom, --- their religious hatred of episcopacy, --- the lay government of their church, --- their disrelish of their present Parliament in Ireland, which was occasioned, as I before hinted, by the refusal of a repeal of the Test Act, which, they say, rose from the obedience of the Irish Parliament to the present Administration in England, to whose mandates, they say, that senate shews a complaisance and good-breeding only to be equalled by that of the usurper of *Brentford*, in the *Rehearsal*.

“ Their bills are welcome, whatsoe’er they are.”

This test act, which obliges them to take  
the



the sacrament according to the modes of the established church, on their being appointed to any office, or acquiring any employment, they condemn as a hypocritical and shameful perversion of a religious duty to a mere ceremonial compliance with a civil institution:—"A line," say they, "only broad enough to prevent the virtuous and the moral of that sect from the enjoyment of places and emoluments, while the less hesitating, the knavish, and the irreligious, over-leap it easily."—How far these arguments are conclusive, I cannot, though plausible, determine. In every state there should be some ruling religion; and there is no mode of marking out the members of religious societies, but from their observation or performance of some religious ceremonies. I scruple to say, then, how far the Presbyterians can justly condemn this small distinguishing mark of the established religion being held out

out as a qualification for place or employment under a government which is, by the very expression, " religion established by law," understood to be at the head of that " religion ;" which sacramental qualification is the only prevention of their enjoyment of these lucrative distinctions, which no act has yet extended to the much-envied Roman Catholics.—The declension of their trade, occasioned by the present war with America, is another cause of outcry. In the early period of the war, many of the merchants in these parts were suspected of having helped to support it: and these suspicions went so far, that, in the first part of the military disturbances there, some of these suspected traders were examined before the Privy Council. Yet, so altered is their present disposition, or so artful their present appearance, that they were the last who entered into these associations which have been formed throughout the kingdom, agreeing



agreeing to a non-importation of British goods, though the first who framed military bodies; but whether for the purpose of national defence, or with a design of imitating their brethren in the reign of Charles I. who took up arms in support of the Crown, and cut off that King's head in defence of his person, posterity may determine.

There is, however, scarcely a town here without its quota of volunteers, men well armed, accoutred, and equipped, whose bias leads them to embrace offered independence, whose ancestors came over with *Cromwell*, or settled here after the defeats of the Boyne and Aughrim, and whose chief glory are the titles of Republican and Independent. In the northern and southern parts of the kingdom, there are at least twelve thousand men embodied, of whom the one part from principle, the other from interest, are attached to these, at present popular, sentiments.

You have expressed a surprise at my not  
having



having adverted to the associations of the non-importers before this: but, as it was necessary for me to trace them to their source, I delayed writing till I could be able to fully investigate, not only the design, but the causes of these determinations; which gave me an occasion of consulting, not only many men, but (what may appear more strange) many books, much out of my course of reading, and compelled me to make many enquiries in a part of learning almost unknown to me. The fruit of this labour shall be contained in my next, and a few succeeding letters. It is necessary now to say that these associations encrease daily, and that a man who would even argue, much less act against them, would become obnoxious to the resentment of the populace.

I am, &c.

LET-

## L E T T E R V.

*Galway, July 5, 1779.*

MY LORD,

IN my last I promised to point out to your Lordship the causes of the present associations in Ireland, as to their trade with Britain, and the original of their resolutions of non-importation thence. In order to do this, I must attribute them to that want of policy which lighted up the torch of dissension between Britain and her Colonies. To prevent a continuance of this flame, Britain forbade Ireland to administer any support to America, and issued a proclamation, laying an embargo upon all the ports of this unhappy kingdom. How far embargoes are justifiable, and how far proclamations are of force, if not sanctified by an act of parliament, is for the gentlemen of the long robe to determine. However, I

E

have



have had the best information, that, in one of the debates in the last session of the Irish Parliament, authorities\* were adduced in the support of this prerogative claim, where the text militated with the context, and the oratory of the Irish P--me S—j—t took the lead of the law arguments of the very ingenious Daly, and the eloquent Grattan, who adduced the venerable names of Coke and Rolle, which were outweighed by those of Davies and Bacon; names, on your side, remarkable for straining the law to favour prerogative, and for advancing the regal power at the expence of the liberties of the people. As I recurred on this occasion to

\* Nul sujet puisseit passer ouster le mer sans special licence del Roy.—So far was cited by the Irish P--me Serjeant, as an authority for royal proclamation imposing embargoes: but he cited not what follows; “ Mes la est enact que la mer soit ouvert a tous merchants.”

*Sir John Davies, 56.*

And he cited Bacon for the same purpose, who is expressly in point for him: but that prerogative lawyer, in the next maxim but one, gives the King the absolute right of taxing every commodity imported or exported the kingdom; and he may hereafter be equally happily cited officially, for that purpose, by the present P--me Serjeant.

*Vide Bacon's Elements of Law.*

the



the original authorities adduced by these gentlemen, I shall refer your Lordship to the citations of them which I have subjoined.

The consequence of a parliamentary decision in favour of this prohibitory proclamation, was almost a total ruin to the graziers and slaughterers of Ireland, of whom the majority of the trading part of the kingdom consists, as three parts in four of Ireland lies under grazing. "Poverty will make even a wise man mad." What wonder, then, if national heart-burnings should arise, when, already despoiled of the best part of the export of their linen, on account of the war with *America*, they discovered that this prerogative question had been contested by Ministry, merely for the advantage of a few English and Scotch contractors, their adherents; and that national interest was postponed to a monopoly enjoyed by those individuals, who had, at best, only the merit of obedience to Ministers, or,

perhaps, that of yielding up a share of the plunder acquired by their fraud, as a reward agreed upon for their contracts, in order to enable Administration to pay for their happy influence on the parliamentary defenders of those leeches \* who thus adhere to the public with their contracts, nor quit their hold till replete with the blood of the community.—This was evinced, in the course of the last session here, by a continued contest for an inquiry into the conduct of a Scotch commissary † in one of the principal ports of the kingdom, who was charged with speculation and fraud, in the execution of his office. This examination was combated against ministerially, and therefore refused. Yet, if the person accused was innocent, it could not be kindness to him that screened him from inquiry; and, if guilty, it was, surely, the grossest insult on the dignity and feelings of the people.

\* Non missura cutem nisi plena cruoris hirudo.—*Hor.*

† Mr. G—d—n.



The consequences of the embargo were not *immediately* felt. In this part, the landholders depend upon the produce of their wool, for the payment of their rents. The want of that money, which came through the hands of the slaughterers, fanners, coopers, &c. formerly, and which was now monopolized into those of the English and Scotch contractors, reduced the price of wool from 15s. to 9s. the stone. So great a reduction caused an universal stagnation of payments. Two-fifths of the expected rents were gone. Consequent bankruptcies of the principal trading houses followed a want of punctuality in their correspondents depending on this trade. Something was to be done, and men began to speculate on means to make that commodity valuable internally, which impolitic laws had prohibited the sale of externally, and the conduct of an impolitic Ministry had so greatly decreased in its value at home. It was readily perceived, that, could the people of Ireland  
be

be virtuous enough to adhere to the use of their own manufactures only, and confine within themselves not only that money which was expended in British luxuries, but, by extending the sale of their own manufactures, and not importing any foreign article, they might, in some degree, compensate for their former losses, atone to themselves the wrongs which they had borne, and give proofs of their being sensible of the accumulated distresses heaped upon them by a false policy and ignorant Ministers. This, however, they were prevented from, at that time, by the activity of their venerable countryman, Lord Nugent, whose memory will be regarded here while Ireland and Irishmen exist. To this attention of their patriotic friend, the promises of Lord North were joined; but when, in the last session of the English Parliament, they found that the duplicity of the Minister was to be continued, and that he was determined



mined to preserve a consistency \*, though he might want a uniformity of character, and that the only steps taken, in their behalf, were insults § on their distresses, and jests upon their misfortunes, those who suffered most among the Irish became first active. Accordingly, we find the first resolutions of forbearing the use of British goods took rise in the county of Galway, where they entirely depend upon grazing, and from thence have pervaded the several parts of the kingdom, as the distresses of each place were more or less aggravated : however, they are now so far confirmed, that universal orders of forbearing to send goods here have been sent to the English merchants by their Irish correspondents,

\* *Qualis ab incepto processerit & sibi constet.—Hor.*

§ The acts for encouraging the growth of tobacco and hemp. The former is an absolute nullity, as the wetness of the country renders the preservation of tobacco in Ireland impossible ; and the latter, they say, is equally useless, unless, as a joker here said, it were to be impartially administered, according to their deserts, to the present Administration.

and

and all orders given to them previously to these regulations have been withdrawn; and the names of all who persist to act in contradiction to these resolutions, are published in all the news-papers, as enemies of their country, which is, in effect, giving them up to the rage of the unhappy populace, whose extreme necessity urges them to the most violent acts of resentment against those whose conduct they set down as a cause of their extreme poverty.

I have now laid down before your Lordship, from the best information in my power, the causes of these resolutions; and there is a kind of political analogy, which reasons from like causes to like effects, and may probably lead your Lordship to draw similar conclusions, from beginnings so very like those in America.

I have the honour to be,

My Lord, &c.

LET-



## LETTER VI.

*Galway, July 12, 1779.*

MY LORD,

A Supposition that, in the decision of the question with regard to proclamations, Mr. Grattan's explanation of the law was outnumbered by Court interest, not outweighed by solid arguments, induced men, who felt the extreme hardships of the many prohibitory acts, with regard to Ireland, which help to swell the Statute-Book of England to its present enormity, to inquire, as these statutes have all been recently made, upon what ground they founded this claim of binding Ireland by acts of the English Parliament. To the examination of this question they were perhaps led by the activity of one of those servants of Ministry †, who,

† Mr. R—gb—y is Master of the Rolls in Ireland; a sinecure.

over-ready for the dirty work of Administration, advance unrequired on the forlorn hope, and perform works of supererogation ; for, had the Right Honourable Gentleman, to whom I allude, not been so fond of shewing himself equally distinguished for senatorial abilities as for his successes in athletic combats, he might, with the silent contempt of this nation, have eaten her wages in indolence ; but, having added ingratitude to his other vices, and stabbed at the hand that reached him support, he cannot wonder at the hatred of Ireland, for to notice she must hate him ; and, by his conduct, with regard to her, he has brought himself from obscurity, like some of those names of antiquity whom we remember for their baseness.

With men of little learning, a printed book stands as authority ; with men of little law - learning, Blackstone's Commentaries stand paramount to Lyttleton or Plowden :  
but,



but, as our Right Honourable senator, building upon this authority, has asserted that Ireland, as to legislation, is bound by England, I doubt whether he knows that even Sir William does not contend for every one of his dicta being law, or, I presume, even he would hesitate to sport with the liberties of a people smarting with wrongs, though seemingly insensible of their injuries, lest he should awake them, and make them at once sensible of their dignity, their rights, and their strength.

The learned Judge has done a great deal, yet he has modestly declined uniting his name to those venerable titles of law authority, to which a series of years has taught the student to refer, to which he looks up, and whose eminence he venerates.

In the Preface to his Analysis, Sir W. B. cites, as he calls him, his Master Lyttleton, as a proof of his hesitating to pronounce that whatever he says is law. “ Je ne voile, “ que tu crez que tout ceo que je ay dit en

“ lez ditez lyvers soit ley ; quar jeo ne ceo  
 “ voile emprendre, ne presumer sur moy.  
 “ Neint moyens coment que certain choses  
 “ queux sont motes & specifies en lez ditez  
 “ ly vers ne sent pas ley uncore tielx chose  
 “ ferront toy plus apte & able de entendre  
 “ & apprendre lez argumentez & lez rey-  
 “ son del ley.”

*Blackstone, Analysis from Epilogue to  
Lyttleton's Tenures.*

But, had not the learned Judge thus apologized for the casual errors which human frailty and human ignorance are incident to, ought not men to examine his doctrines thoroughly before they fully assent to them, and only give them faith, as they are marked with the characters of truth.

The ingenious author\* of a late very elegant publication§ on your side of the water, with which I have been favoured by your Lordship's kindness, has clearly shewn

\* Charles Francis Sheridan, Esq.

§ Observations on the doctrine laid down by Sir William Blackstone, respecting the extent of the power of the British Parliament, particularly with regard to Ireland.

the



the inconsistencies and incongruities of the learned Judge, where the liberties of a people are to be treated of ; and, had that gentleman gone as deeply in the argument, as he has ably executed that part of it which he has undertaken, he would have rendered my present labour unnecessary : but, as he has rather regarded the question as it related to the abstract rights of mankind, he has left an opening for me ; and, should I at any time borrow his images, or copy his observations, I hope I may be indulged in that liberty, as it is taken for the purpose of reviewing this question in all points, and for collecting into one focus every ray of light which the subject will admit.

That the people of Ireland were subjected by acts made by the British Parliament, previously to 6 George I. cap. 5, was never *parliamentarily* asserted by the English ; and, whenever that doctrine was *privately* laid down by any of their lawyers, it was uniformly opposed, and constantly contradicted,  
by

by the Irish. If they were right in this contest, there is no magic in that act of parliament to abolish their former rights, especially as that act wants that essential virtue which confers validity upon all law,---the consent of the people to be bound by it, either by themselves or their representatives.

Antecedent to this act of 6 Geo. I. the claims of this super-eminence of the British Parliament arose either from *conquest* or *compact*. I shall briefly endeavour to prove that the first never took place, and that whatever compact or agreement was made between the people of Ireland and the King of England, was upon a footing of equality, and directly contradictory to any such pretended superiority : or, if a conquest did ever take place, there are no claims made under that idea, but what are contradictory to the laws of nature and reason ; and, if any compact were made by the ancient Irish to the prejudice of their posterity, such compact cannot



cannot be binding upon their successors, the present inhabitants of Ireland \*.

*Conquest*, if meant to express that species of conquest by which a right of legislation is acquired, is "*an acquisition of a country by that force of arms, to which force of arms has been likewise opposed.*" But that no such conquest took place, from the first descent of Strongbow, in the reign of Henry II. to the last Irish treaty at the siege of Limerick, is evident. The first expedition of the English into Ireland took rise from an application made to that Prince by Dermot M'Morrogh, Prince of Leinster; a man infamous for cruelty, debauchery, and oppression, and expelled from his throne and kingdom by the neighbouring princes, for his mal-administration. Henry, though willing to reap advantages from these distresses which M'Morrogh had drawn upon himself by his incapacity, was yet unable to afford

\* Locke on Government passim.

him

him the solicited assistance, on account of the wars in which he was then engaged in France. However, in those days of feudal dominion, when each Lord was a little Sovereign, a small encouragement, with a licence of their Liege, generally roused some of those Barons, whose necessities had fitted them for adventure, to hunt for fame and fortune, and seek for private settlements, not frame public colonies. With letters patent, licensing the subjects of Henry to assist M<sup>r</sup> Morrogh in the recovery of his dominions, he went from France to England. To these licenses Dermot added large promises; in consequence of which, Richard, Earl of Strigul, commonly called Strongbow, and Robert Fitz Stephen, agreed to give him aid: the first, allured by the assurance of M<sup>r</sup> Morrogh that he would give him his eldest daughter in marriage, and his kingdom on his demise; the last, on condition of a grant of the city of Wexford, and  
some



some lands adjacent, to him, and Maurice Fitz-Gerald, his companion\*.

The prosperity of these adventurers must evidently have resulted rather from treaty than hostilities. War had not, at that time, become a science; and success must attend the multitude, when a superiority of skill and adroitness is not with smaller force. When men had advanced much farther in military discipline than at that time, the London 'prentices dared to oppose the army of Charles I. and kept them at bay: can it, then, be supposed that the few, however intrepid, retainers of Strongbow, Fitz-Stephen and Fitz-Gerald, could be equal to a national conquest?

That they were successful in restoring M'Morrogh to his crown, and in quelling the insurgents in his dominions, is, however, true: and, in consequence of these

\* Girald. Cambrenf. lib. I. chap. i. — Lyttelton, Hen. II. — App. to 3d and 4th Vols. Leland's Hist. Ireland, b. I.

happy events, Richard Earl of Strigul was married to his daughter, agreeably to the compact made between them, and succeeded Dermot in his kingdom; Fitz-Stephen and Fitz-Gerald likewise obtaining the lands they had bargained for.

Henry, informed of the good fortune of his subjects, a little after went with an army into Ireland, and there obtained from Richard a surrender of the city of Dublin, its vicinage, and such of the maritime towns and castles as were under the dominion of Strongbow; to whom Henry guaranteed the enjoyment of the residue of Dermot's principality. Henry likewise received the homage of the Kings of Corke, Limerick, Ophally, Uriel, Meath, Connaught, &c. *spontè*, as Giraldus Cambrensis expressly says, *of their own accord*. And this free surrender is described in similar terms by *Hoveden, Matthew Paris, Brompton, &c.*

By what species of logic such a quiet acquiescence



acquiescence under the dominion of a King, and such a tame submission to his laws, which one of the above historians says were *gratanter receptæ*, can be called a conquest. I am at a loss to determine; for it certainly can have no foundation in truth or justice.

It has been asserted, that this claim of superiority has owed its rise to the suppression of rebellions, which have been numerous and repeated in Ireland. If such a claim had any foundation in establishing the rights of sovereignty, how much more justly might, alternately, the Houses of *Norfolk* and *Lancaster* have demanded it: and there were not wanting politic princes of either House to see and seize such an advantage, if it could confer any lawful qualifications on them. Yet, so hateful was such an idea, as well as the name of conqueror, in England, that even that crafty Monarch, *Henry the Seventh*, chose rather to borrow his claim to the crown from the family he hated, than to

pretend to a right resulting from so invidious a title as the suppressor of rebellions, or the conqueror of the people: and it is evident to those who are at all acquainted with the History of Ireland, that, had the PROTESTANTS of that country, in after-times, joined their force with those of the Catholics, the kingdom might have been delivered up to either *James* or *Lewis*, instead of King *William III.*: but, descended from ancestors who brought with them the manners, customs, laws, and constitution of England, and communicated them to the wild, ferocious natives of Ireland, they were determined to support, as they were certain they should retain these advantages, and preserved that kingdom to be divested of these liberties by that house which they helped to establish.

But, supposing any conquest, at any time, to have taken place, *what title give the laws of nature and reason to conquest?*

It will be readily granted, that, if an invasion



vasion be *unjust*, the invader gains no right  
 by the dominion which he has thus usurped  
 over the conquered. But let us suppose a  
 just invader. What are his rights, and over  
 whom? Surely, he gains no powers over  
 those who conquered with him, different  
 from that which he exercised previously to  
 his conquest; and the companions or sub-  
 jects, who assisted him in his warfare, have  
 not changed their situation by their assist-  
 ance, but retain the same degree of freedom  
 or vassalage which they were held in ante-  
 cedent to the war. And it is evident that  
 the majority of the *present* possessors of *Ire-*  
*land* are the progeny of *English* adventurers,  
 who came from *Britain* at different times,  
 and are therefore by no means included in  
 these ideal powers of the conqueror, nor at  
 all divested of their birth-rights, as *Eng-*  
*lishmen*, by crossing *St. George's Channel*.  
 Thus, as the associates or confederates in a  
 just conquest can lose none of their rights  
 thereby, neither can those who have not  
 been

been guilty of opposition; for the idea of conquest is grounded upon such a refusal of just rights, as necessarily compels the conqueror to assert this claim by force of arms, and to which force, brutal force, has been opposed by the conquered: for force, according to Cicero, is the decision of beasts, not men. "Cum sint duo genera decertandi, unum per disceptationem, alterum per vim; illud proprium hominis est, hoc belluarum; nec confugiendum est ad posterius, nisi ubi uti non licet superiore, semperque paci consulendum. Quare ideo tantum suscipienda bella sunt ut sine injuria in pace vivatur." *Cic. Off. lib. I.*

And as those, who have not been guilty of opposition, cannot be included in the power of the conqueror, by a parity of reasoning, the posterity even of the conquered, in whom such a brutal opposition was impossible, cannot have lost any of those privileges which Nature has made the common birth-



birth-right of all men. I shall no longer trespass on your Lordship with proofs of things so self-evident that a further discussion would be an insult to your understanding; but will refer your Lordship, if your curiosity should incline you to see this subject more fully treated, to the Letters of Guatimozin, lately published here in the Freeman's Journal; to Mr. Sheridan's pamphlet, which I before cited; and to a pamphlet published in Ireland in 1698, called, The Case of Ireland being bound by Acts of Parliament in England, stated by William Molineux, of Dublin, Esq. This last very ingenious composition may be truly called the *manual of Irish liberty*, and is replete with the best sense and justest arguments.

I have the honour, &c.

LET.

## LETTER VII.

Corke, July 16, 1779.

MY LORD,

SIR William Blackstone says, "The original and true ground of the superiority of Britain over Ireland is what we usually call, *though somewhat improperly*, the right of conquest; a right allowed by the law of nations, if not by that of nature, but which, in reason and civil policy, can mean nothing more than that, in order to put an end to hostilities, a compact is either *expressly* or *tacitly* made between the conqueror and the conquered, that, if they will acknowledge the victor for their master, he will treat them for the future as subjects, and not as enemies." If he has not, in this sentence, reprobated the idea of conquest, I have the misfortune of not understanding the learned judge; for he says,



says that we improperly call it the right of conquest ; and he allows that right to be contrary to the law of nature, but endeavours to justify, or at least palliate it, under the sanction of the law of nations. Indeed, I thought that it was the glory of our laws to differ from the codes of other nations, in having regard to the rights of humanity, and the laws of nature : but, granting all this sanctity to the law of nations, and the rights of conquest, which they at all can claim, are there not bounds to the power of the conqueror in these contracts and agreements, which he himself has made with the conquered ; and is he not obliged to observe those grants, which, though at first concessions to, have become the rights of, his subjects ; and to which concessions a conqueror is obliged, " Conquest being," according to Montesquieu, " a necessary, law-ful, but unhappy power, which leaves the conqueror under an heavy obligation of repairing the injuries done to humanity."

H

Now,

Now, it is evident from Giraldus Cambrensis, and the other contemporary historians, that the people of Ireland contracted with Henry II. “ to enjoy the like liberties “ and immunities, and to be governed by “ the same laws, civil and religious, as the “ people of England.” And they cannot be said to enjoy the same laws, if their Parliament be subservient to the Parliament of England ; or, which is the same thing, if the Parliament there can make laws to bind the Irish. Such an hypothesis, at the period of receiving Henry as their liege, had never been entertained either by that prince or the Irish ; for we find him, in the 23d year of his reign, constituting his younger son John, *King*, by the name of *Lord* of Ireland, which was the style of that sovereignty till the 33d Henry VIII. when the Irish Parliament, by an act passed in Ireland that year, (cap. i.) changed the title of *Dominus* to that of *Rex Hiberniæ*.

*Richard,*



Had then *Richard*, or *Geoffrey*, or *Arthur* the son of *Geoffrey*, succeeded *Henry* in his British and French dominions, and continued in the possession of them by their issue, would not Ireland have remained a distinct, separate kingdom, detached from Britain, though enjoying similar laws, and their King equally allied to the crown of England, as the King of Spain is now to the French Monarch? On the union of both kingdoms in the person of John, by the murder of Arthur, he granted to the Irish\* that they might be judged according to the laws of England: and, if we this day may guess at the manner in which this privilege was gained from a monarch so very unfriendly to liberty, we cannot suppose it a voluntary concession, especially if we remember the early dislike that prince had to the Irish; for one of the historians informs us that he treated their great men, who

\* Ponens vicecomites aliosque ministros qui populum regni illius *juncta* leges Anglicanas judicarent.

*Mat. Paris, p. 220.*

waited on him at his first arrival in this kingdom, with all the wantonness of youthful insolence, on account of *the rusticity of their habit, and the uncomely appearance of their long beards* †.

In the first year of the reign of his son and successor, Henry III. a *Magna Charta*, conformable, in all its material points, to the English great charter, was granted to the Irish: so that the title of the Irish to the advantages of this greatest of British privileges, are, in point of time, prior to those of the English, who received that foundation of their liberties in the 9th of Henry III.: and we know that these liberties of Englishmen, granted by this charter, are those of being governed by the laws to which they have consented by their representatives in parliament. The doctrine of legislation and representation being inseparable, has already cost Britain too much blood and treasure to be again brought to the

† Girald. Cambrensis Hib. expug. cap. 35.



discussion of the sword: for, I believe, Irishmen have virtue or hardiness enough to assert, at all hazards, an independence on the British Parliament, though they confess subjection to the same sovereign; for the most popular arguments here now are, “ If there  
 “ were no hopes left for successful resist-  
 “ ance to the controul exercised over Ire-  
 “ land by the usurpation of the Parliament  
 “ of that kingdom; and if there were evi-  
 “ dence that it was the fixed decree of  
 “ fate that this nation should remain in its  
 “ present slavery,—it is the duty of every  
 “ virtuous Irishman to wish to see the Bri-  
 “ tish constitution destroyed, and the King  
 “ of England absolute, because the condi-  
 “ tion of an Irishman would be bettered  
 “ by the change \*.”

Since the days of Henry III. no statute-law, or act of parliament, made in England, had any authority here until the 10th of Henry VII.: for, if they were of any force previously to that act, to what purpose was

\* Vide Letters of Guatimozin.

that

that law made in Ireland so well known here by the name of Poyning's Law, which declares, that all the acts of the British Parliament, which had been enacted before that statute, should, in future, be of force in that kingdom. Is it not the fairest implication to say that they were of no force in Ireland until they had received this confirmation by the Parliament of this nation? and this implication is conformable to the opinion of lawyers, and the decision of judges.

Lord Coke, in 7 Rep. Calvin's Case, cites year-books and reports (vide margin†), proving Ireland to be a separate dominion; and, among the rest, says as follows, from 2d Richard III. f. 12. "*Hibernia habet parliamentum, & faciunt leges, & nostra statuta non ligant eos, quia non mittunt milites ad parliamentum;*" and foists in a parenthesis this opinion of his own, which is not in the year-book, ("*which is to be understood, unless specially named*"): and

† 20th Henry VI. 8 Pilkington's Case; 32 Henry VI. 25; 20 Eliz. Dyer, 360 Plowden's Commentaries.

then



then goes on, " Sed personæ eorum sunt  
 " subjecti regis, sicut inhabitantes in Calesia,  
 " Gasconia, & Guyan." To this unfairly-  
 cited opinion \*, indeed, he gives some de-  
 gree of plausibility, in the same case, fol.  
 176, where he says, " that, though Ireland  
 " be a distinct dominion from England, yet  
 " the title thereof being by conquest, the  
 " same, by judgment of law, might by ex-  
 " press words be bound by the Parliament  
 " of England." But what does my Lord  
 Coke mean by *judgment* of law? Is it the  
*law of nature*, or the *law of nations*, or the  
*municipal law* of our commonwealth? I  
 hope I have proved, in the first instance,

\* Et ibi quoad primam questionem dicebant quod terr.  
 Hibern. inter se habet Parliament. & omnimodo cur. prout  
 in Angl. per idem parliamentum faciunt leges & mutant  
 leges & non obligantur per statuta in Anglia, quia non hic  
 mittunt milites Parliamento, sed hoc intelligitur de terris &  
 rebus in terris illis tantum efficiendo; sed personæ eorum  
 sunt subject. regis, & tanquam subjecti erunt obligati ad  
 aliquam rem extra terram illam faciend. contra statut. sicut  
 habitantes in Calesia, Gascoigne, Guen, &c. dum fuere  
 subjecti & obedientes erunt sub Admiral. Angl. de re fact.  
 super altum mare & similit. breve de errore de iudicio reddit.  
 in Hibern. in banco reg. hic in Angl.

T. B. 2 Rich. 3, fol. 12.

that

that it is contrary to the *law of nature*. In the *law of nations* the consent only of those to be governed gives them this sanction; and, in the present case, that consent is allowed to be wanting. And, in the case cited by his Lordship, the *common law* reprobates this doctrine, by the mouths of the twelve Judges, who declare, that “ the English Parliament can have no jurisdiction over Ireland within that land;” “ *quia Hibernia non mittit milites ad parliamentum in Anglia.*” And it was likewise ruled in Pilkington’s case, Y. B. 20 Hen. fol. 8, “ That if a tenth or fifteenth be granted by Parliament in England, that shall not bind in Ireland, except they in Ireland shall approve it, *because they have not any commandment to come to the Parliament in England.*”

We therefore find by records, when Britain wished to extend her taxes over Ireland, it was the custom of antiquity to summon representatives from the different parts  
of



of that kingdom to attend that assembly, to consult *de arduis rebus regni*. (Vide Summons in Leland's History of Ireland, App. to Vol. I.)

Thus, my Lord, stood statute law, common law, and custom, until the time of passing the 6th of George I.--an early instance of the gratitude of the illustrious House of Brunswick to the people of Ireland. Called to the Crown of Britain by parliamentary authority, though not so nearly allied in blood as other families to the abdicated race, that family was preferred because they were Protestants, because they were of small continental importance, of known moderation, and therefore more likely to be content with the moderate share of power allowed by our laws. Ireland, from the same motives, recognized the rights of that family by a solemn act, totally distinct from that of England, and had reason to hope for a pure, uninterrupted enjoyment of her civil liberties under such worthy patrons.

I

Had

Had Hanover, which has cost England more money in a summer than Ireland has done since the reign of Henry II. (as she has the advantage of having the same gracious sovereign with Ireland,) been neglected by her Elector, her ancient and fundamental laws trampled on, her revenues idly dissipated by a weak and blundering British Administration, would she bear it patiently, or would she not seek redress from the friendship and justice of other powers? At what time has Scotland wanted a race of self-devotees to the independency of that country? Whenever the gentry of that kingdom have thought themselves neglected, and their services unrewarded, was there ever wanting a band of heroes who turned out for redress; who, scorning the unavailing mode of petition or remonstrance, have generally proved insurrection the most powerful argument with their timid neighbours? And, I make no doubt, if they should, at any time hereafter, live under a prince less discerning



discerning of their merit than his present Majesty, we shall find that this hardy race of insurgents is not extinct, and see their demands made as gallantly as heretofore? And may we not with justice expect, that these measures, which have been so successful with them, will be adopted here, especially when furthered by the assistance of France or Spain, whose inclination, as well as interest, leads them to excite the Irish to such an attempt.

I have the honor, &c.

What capital virtue is there in an act of parliament made by the representatives of a part of the people, that can bind another part who are unrepresented in that assembly and who deny the claims of this authority, because they have a legislative remedy of their own, better capable of judging

## LETTER VIII.

*Corke, July 27, 1779.*

MY LORD,

**I**N the Commentaries, the learned Judge has compared the laws of England to an ancient pile of building, with many useful and good chambers, though the entrances are inconvenient and circuitous. In the fitting of them up according to a more modern taste, his desire to hide some of the strong bulwarks, and moated arches, which support our liberties, has made him so profuse of labour or ornament, that the endeavour to conceal makes them become more conspicuous.

What cabalistical virtue is there in an act of parliament made by the representatives of a part of the people, that can bind another part who are unrepresented in that assembly, and who deny the claims of this authority, because they have a legislative assembly of their own, better capable of judging



ing of their interests, and more closely allied to them, as they participate of the burdens which they impose upon them? This act, which first binds Ireland, was made in consequence of the Irish denying any such right to be vested in the Parliament of England; and, in that instance, that legislative assembly, contrary to the usage of Britons, or to the common practice of law or equity, became at once party and judge in a cause which they decided in their own favour.

Sir William Blackstone has been, perhaps, induced to attribute more force to this act, from supposing it to have been a right of the British Parliament previously to that act; and may have been led to this opinion by perceiving, as it appears at first view, that the Court of King's-Bench here is subordinate to that Court in England. But, had that learned gentleman reflected, that a Writ of Error is not brought before the  
Judges

Judges of that Court, but before the King himself, and that when that Court was not stationary; for the writ orders the case in error to be brought "coram nobis ubicunque fuerimus;" may we not, without any appearance of improbability, suppose that Writs of Error have been brought from England to the King himself in Ireland, when he happened to be there, and presided in that Bench, as Kings did formerly, though the fluctuation of Irish affairs, and the destruction which beset the records of that kingdom, prevent us from ascertaining the fact. This will appear to have some force, when we reflect, that the Chancery, or Parliament of England, never interfered with the decrees of the Irish Chancery before that memorable session of 6th George 1. in the case of Sherlock and Annelly, which met with that manly opposition of the Irish House of Lords that marked the generous characters of freemen who were not forgetful of the

ancestors



ancestors they sprung from. But, had the acquiescence of the parties received the sanction of the legislature in Ireland, and had this first reversal of an Irish decree been totally uncontroverted there, yet, as it marks the first usurpation of a custom, it is *felo de se* of that custom; for "Customs que commence  
 " per tort & usurpation & nemy per volun-  
 " tary consent del people sont unreasonable  
 " & void en ley." *Dav. Rep.* 33.

The right of the Peers here to construe their own laws, is surely founded on the strongest principles of common sense; for vicinity and intercourse must give them a better chance of being acquainted with the matter in dispute, the characters of, and, not unfrequently, the very right of the disputants. "Ju-  
 " dex bonus juxta leges & jura pronunciat."  
 And there is no reason why a British Peer, even granting him perfectly skilled in his own laws, should be as thoroughly conversant in the laws of Ireland as the Peers of that kingdom. There can then be no suf-  
 ficient

ficient cause for drawing such great sums of money in the prosecution of appeals from this unhappy country, unless the affair is considered in a commercial light, and the distribution of justice be esteemed a material of trade, and that the balance must be preserved against Ireland in this as in every other article.

Having, my Lord, I hope, established the justice of the refusal of acquiescence by the Irish to the claims of the English Parliament, as to superiority, it becomes my duty to point what my countrymen expect, and intend vigorously to demand ;—a formal renunciation of these unjust claims of Great-Britain, and a permission to exercise those advantages which God and Nature have conferred on Ireland : in the first instance, a repeal of those impolitic laws which have been made at the instance of Ministers, ignorant of the first rule of politics, to prefer the greater part to the smaller ; which laws they were perhaps actuated to make, or to retain



retain unrepealed, that they might secure the vote of a single member, the circumstance of whose estate may require a sacrifice of the trade of that most respectable part of the British empire.

They know that the English nation would not oppress the Irish; and they attribute their distresses to the weak and wicked councils of English Ministers, whose churlish policy will not permit Ireland to carry on part of a trade, the whole of which England is unable to maintain.

Thus, my Lord, I have stated to you my thoughts, and the arguments resulting from my reading and inquiry. I may differ from your Lordship; and you will perhaps condemn me for joining in those opinions which are now become popular here; but, when your Lordship reflects that truth, justice, (and that strongest of all affections,) the love of my country, stand paramount to every other obligation, your Lordship will excuse any want of coincidence in sentiment be-

K

tween

tween us. Zealously desirous of the interests of both countries, I ardently wish that such measures may be followed on your side of the water, as may again attach our alienated kingdom to her sister-empire, and unite us under the same Sovereign, the wonder and envy of the European world.

I am, &c.

**F I N I S**